



DEPARTMENT OF THE NAVY
OFFICE OF CIVILIAN HUMAN RESOURCES
614 SICARD STREET SE SUITE 100
WASHINGTON NAVY YARD DC 20374-5072

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1 February 2005

MEMORANDUM FOR DISTRIBUTION

Subj: DEPARTMENT OF THE NAVY PROCEDURES FOR PROVIDING
REASONABLE ACCOMMODATION

Ref: (a) Rehabilitation Act of 1973
(b) Title I of the Americans with Disabilities Act of 1990

Encl: (1) Department of the Navy Guide to Assessing Disability
Claims
(2) Reasonable Accommodation Procedures Flow Chart
(3) Reasonable Accommodation Procedures Flow Chart
Companion Document

1. The purpose of this memorandum is to provide interim guidance on procedures for complying with references (a) and (b) requirements for Federal agencies to provide reasonable accommodation to qualified employees or applicants with disabilities. Detailed Department of the Navy (DON) procedures for providing reasonable accommodations for individuals with disabilities are being finalized and will be incorporated as a chapter in the Civilian Human Resources Manual (CHRM). Development of these procedures has included much debate and deliberation, particularly on two critical issues - proper determination of a qualified individual with a disability and agency-wide reassignment as a reasonable accommodation.

2. Pending the upcoming release of the CHRM, the enclosed documents provide interim guidance that is effective immediately. Reviewing and analyzing disability issues presented by civilian employees or applicants for employment and determining what, if any, reasonable accommodation is required is a critical first step. Enclosure (1) provides guidance in this assessment. A flow chart shows the DON process to be followed for providing accommodations (enclosure (2)) and it is supplemented by a companion document (enclosure (3)) that outlines more specific details for each step of the flow chart. These procedures ensure regulatory compliance as well as process consistency DON-wide.

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3. Addressees should provide the name, email address and telephone number of the command's point of contact for disability accommodations to Ms. Judith Scott, OCHR EEO Program, by 1 March 2005.

4. Questions regarding these procedures should be directed to Ms. Scott at (202) 685-6466; DSN 325-6466. Mr. Robert Woods, OCHR Office of Counsel, is also available for further assistance in assessing disability claims at (202) 685-6400; DSN 325-6400.


DEBRA J. EDMOND
Director

Distribution:
Echelon I and II Commands

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Department of the Navy Guide To Assessing Disability Claims

This guide is provided to assist Department of the Navy Human Resources Professionals and Attorneys in reviewing and analyzing disability issues presented by civilian employees or applicants for employment and determining what, if any, reasonable accommodation is required. The goal of reasonable accommodation is to enable qualified individuals with disabilities to perform the essential functions of the job and to enjoy equal employment opportunities.

When an employee or applicant asserts that s/he has a disability and/or requests an accommodation(s) for the disability, this should be the beginning of an **interactive process** through which a management official(s) (supervisor/HR Specialist/EEO Specialist, etc.) discusses the request with the employee/applicant. In so doing, the management official should ask the questions provided below for the purpose of gaining sufficient facts to determine whether the person is a "qualified individual with a disability¹." Before we get to the questions, let's define the terms you'll need to understand in analyzing these matters.

Definition of Disability: A person has a disability, for purposes of the Rehabilitation Act, if s/he has a physical or mental impairment that substantially limits a major life activity. (a person can also be covered by the Act if s/he is "regarded as" or "has a record of" having a disability, but that aspect of the law is beyond the scope of this guide because we're dealing with the issue of reasonable accommodation)

Physical Impairment can include any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular,

¹ Note that this is a term of art and is used here only as it applies to rights and obligations under the Rehabilitation Act and the rules and cases that interpret this Act. It should be noted that a person could be considered as NOT having a "disability" for purposes of this Act but could be considered disabled under other programs such as workers' compensation, OPM disability retirement, USERRA, and Veterans' Administration. They all apply different standards.

Enclosure (1)

reproductive, digestive, genito-urinary, hemic, lymphatic, skin, and endocrine.

Mental Impairment can include any mental or psychological disorder, such as mental retardation or organic brain syndrome, and can also encompass emotional or mental illness and specific learning disabilities.

NOTE: Physical and mental impairments do not include normal physical characteristics, or personality traits within the range of normal, such as poor judgment or a quick temper.

Substantially Limits: An impairment substantially limits a major life activity if that impairment renders the individual either **unable** to perform a major life activity **or significantly restricts** his or her performance of that activity as compared to the average person's performance of the activity. Not all medical conditions are substantially limiting. A person with broken bones or a sprained ankle does not have a permanent or long-term impairment because the condition will heal within a reasonable time. In addition, if an individual employs measures to mitigate his or her impairment (e.g., medication, eyeglasses), the effect of those measures should be considered in determining whether an impairment is substantially limiting as to that individual. Further, some permanent impairments may not substantially limit a major life activity.

Major Life Activity: Major life activities include such obvious characteristics as hearing, seeing, walking, speaking, breathing, caring for oneself, performing manual tasks, and working. Generally, a major life activity is something of fundamental significance within the meaning of the Rehabilitation Act and not simply an activity important to a particular individual. Major life activities do not include activities such as swimming, shopping, or enduring physical stress. It is important to note that where individuals claim that they are limited in the major life activity of working, they must show that they are significantly restricted in their ability to perform either a class of jobs, or a broad range of jobs in various classes, as compared to the

average person of comparable training, skills, and abilities. Generally this requirement could not be met simply by asserting inability to work in any particular job for a particular employer.

Definition of "Qualified": Please Note: The definition of "qualified" as it applies to the rights and obligations under the Rehabilitation Act may be different from the definition as used in other employment programs, e.g., Reduction-in-Force, Priority Placement Program, etc. An employee is "qualified" for a position if s/he: (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the position, with a reasonable accommodation or without a reasonable accommodation².

Essential Functions of the Job: The essential functions of a job are those functions that define the job. In other words, the job exists to perform those tasks. The essential functions of a job are not the marginal or infrequently performed tasks that could be eliminated without altering the fundamental nature of the job.

A job function may be considered essential for several reasons, including but not limited to, the following:

- The function may be essential because the position exists to perform that function.
- The function may be essential because of the limited number of employees available to whom the performance of the job function can be distributed.
- The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to, the following:

² The employee does not need to be the best qualified individual for the position in order to obtain it as a reassignment. Such reassignments are non-competitive. There is no obligation for the employer to assist the individual to become qualified. Thus, the employer does not have to provide training so that the employee acquires necessary skills to take a job. The employer, however, would have to provide an employee with a disability who is being reassigned with any training that is normally provided to anyone hired for or transferred to the position.

- The employer's judgment regarding a determination as to which functions are essential.
- Written job descriptions.
- The amount of time spent performing the function.
- The consequences of not requiring the incumbent to perform the function.
- The terms of a collective bargaining agreement.
- The work experience of past incumbents in the job.
- The current work experience of incumbents in a similar job.
- Actual duties performed by a person holding the job.

The essential functions of the job are determined on a case-by-case basis. Do not presume that any two DON jobs are necessarily alike. The actual responsibilities of an electrician may vary depending on the tour, operation, size, age and configuration of the facility. Similarly, the actual functions for a shipyard electrician may vary significantly from that of an electrician at a Naval Air Station or Marine Base. Job descriptions and job announcements can assist you in determining the essential functions of the job. However, these may only generically describe the requirements of the job. It may be necessary to interact with others to ascertain beyond written descriptions the actual essential functions of the particular job in your facility.

Sometimes an accommodation involves a job restructuring or altering the nonessential requirements of a particular job. The law, however, does not require the DON to change or alter the essential functions of a job. For example, an essential function of a security officer at a particular location is the ability to read identification cards. It would be unreasonable for an applicant with a visual impairment to demand that the DON hire a reader to assist him or her so that the cards can be read. Under the law, the employer is not required to reallocate the essential functions of the job to another individual. In this case, reading is an essential function. If reading were only a minor or unimportant aspect of the job, some form of accommodation would be in order.

Questions in the Interactive Process: Now that the important definitions have been explained, here are the questions that should be asked in evaluating a disability case under the Rehabilitation Act.

Question 1: Does the person claim that they have a present physical or mental impairment? If so, what is the impairment?

The employee should be asked to describe the impairment in some detail, if it is not otherwise obvious (i.e., the individual is blind or deaf or confined to a wheelchair, etc.)

Question 2: Does the impairment substantially limit a major life activity? The employee should be asked to describe the limitation(s) in some detail. (See definition of terms above)

Person with a Disability: If the individual establishes s/he has a present physical or mental impairment that substantially limits a major life activity, they establish that they have a disability as that term is defined under the Rehabilitation Act and the rules and cases that interpret this Act. If they establish that they have a disability, you then proceed to determine whether they are a "qualified individual with a disability" as that term is defined under the Rehabilitation Act and the rules and cases that interpret this Act (proceed to the questions that follow). If they are unable to establish that they have a disability, we have no obligation under the Rehabilitation Act to provide them an accommodation. However, you may have to consider other programs that may require accommodation such as the Federal Employees' Compensation Act or USERRA.

Question 3: Is the person "qualified?"

If the individual establishes that s/he has a disability, you must then determine whether s/he: (1) satisfies the requisite skill, experience, education, and other job-related requirements of the job, and (2) can perform the "essential functions of the job," (see definition and guidance above) with a reasonable accommodation or without a reasonable accommodation. Keep in mind that in making a determination as to whether or not the individual is "qualified," s/he must meet these two criteria as they relate to either their present job or the job they are seeking (either as an applicant or through the accommodation of last resort; reassignment).

Once you have determined the essential functions of the job (see discussion above), ask the employee what he or she thinks is needed to enable him or her to perform these essential functions. Gaining the individual's participation is a key part of the process -- that's what makes it interactive. The following are examples of questions that, as appropriate, may be modified and used to gain the individual's participation in the reasonable accommodation process:

- At the present time, the essential functions are performed in this manner. Can you tell us how you can achieve the same results?
- This equipment is used on a regular basis in this manner. Can you describe how you would use it to complete required tasks?
- Historically, this job has been done using this sequence and method. Do you feel you could accomplish the same results in this or in another way?
- This is the normal arrangement of the work area. Do you have any suggestions regarding changes or modifications that may be necessary to enable you to perform the job?

Documentation

When a disability and/or need for accommodation is not obvious or otherwise already known, reasonable documentation may be required to support the existence of a disability and the need for the accommodation requested. This documentation must come from an appropriate professional to explain the nature of the disability and the need for reasonable accommodation, or to clarify how the requested accommodation will assist the employee to perform the essential functions of the job. Consider medical information that the employee's physician(s) may provide to determine whether the employee has a "disability" and to determine job-related limitations and how they could be overcome. Other important sources of information that will assist you in defining the employee's abilities and limitations include past medical records, current medical examinations, and work history. Medical information submitted to support a request for reasonable accommodation should be reviewed with the assistance of a medical specialist.

If the information provided is not sufficient to substantiate that the individual has a disability and/or needs the reasonable accommodation requested, supplemental

medical information may be required including, if appropriate, examination by a medical specialist of the DON's choosing and at the DON's expense.

Medical information obtained in connection with the reasonable accommodation process must be kept confidential and retained in the official medical file. Mishandling of information relating to an individual's disability or medical condition may constitute a violation of the Act for which the DON may be liable for damages. Supervisors and managers who need to know the information to perform their responsibilities may be told about the necessary medical restrictions or the need for accommodations, but medical information should be disclosed only when necessary.

Question 4: What accommodation, if any, can be provided that will enable the employee to perform the essential functions of the job?

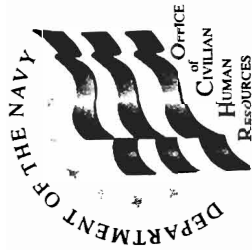
Consult with a number of people to identify potential accommodations. First, you should ascertain from the job applicant or employee what s/he thinks is needed to enable them to perform the job. Second, you will need to consult with management, safety and/or medical personnel, as appropriate, to determine whether the employee's proposed accommodation is feasible and whether other accommodations can be made. You may offer alternative suggestions for reasonable accommodations and discuss their effectiveness in removing the workplace barrier that is impeding the individual. Some activities have Reasonable Accommodation Committees with whom you can consult. You may also want to seek guidance from people outside the DON to identify potential accommodations, particularly state agencies and nonprofit organizations dedicated to assisting people with disabilities in the workplace. As an example, the national Job Accommodation Network (JAN) at 800-232-9675 can provide information, free of charge, about many types of reasonable accommodation. Here's their web address:

<http://www.jan.wvu.edu/links/> Also, the DOD Computer/Electronic Accommodations Program (CAP) can assist in providing adaptive devices. Here's their web address:
http://www.tricare.osd.mil/cap/resources/resources_dod.cfm

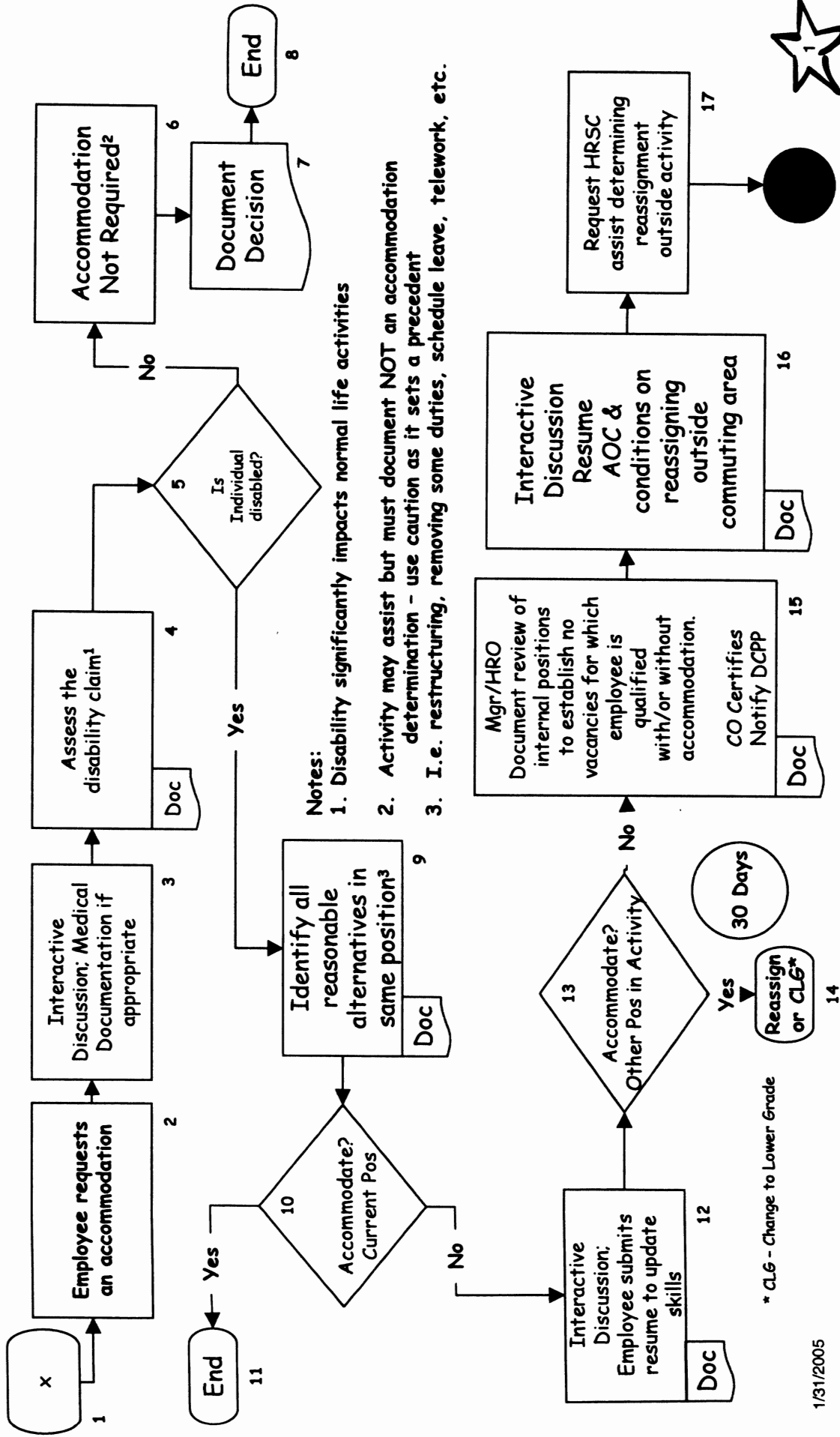
Once potential accommodations are identified, it is our responsibility to determine whether the potential accommodations are reasonable. Consider whether the proposed accommodation would:

- Eliminate or alter the essential functions of the job.
- Impose an undue hardship on the DON.
- Violate the seniority provisions of a collective bargaining agreement.
- Fail to eliminate or reduce the direct threat of harm.

Consider the individual's preferences and the effectiveness of each accommodation and its cost. Select the accommodation most appropriate for both management and the individual. The chosen accommodation need not be the best or most expensive, or even the one preferred by the individual. As long as the accommodation is reasonable and enables the individual to perform the essential functions, it is acceptable. The employer makes the ultimate decision as to what accommodations, if any, will be adopted.



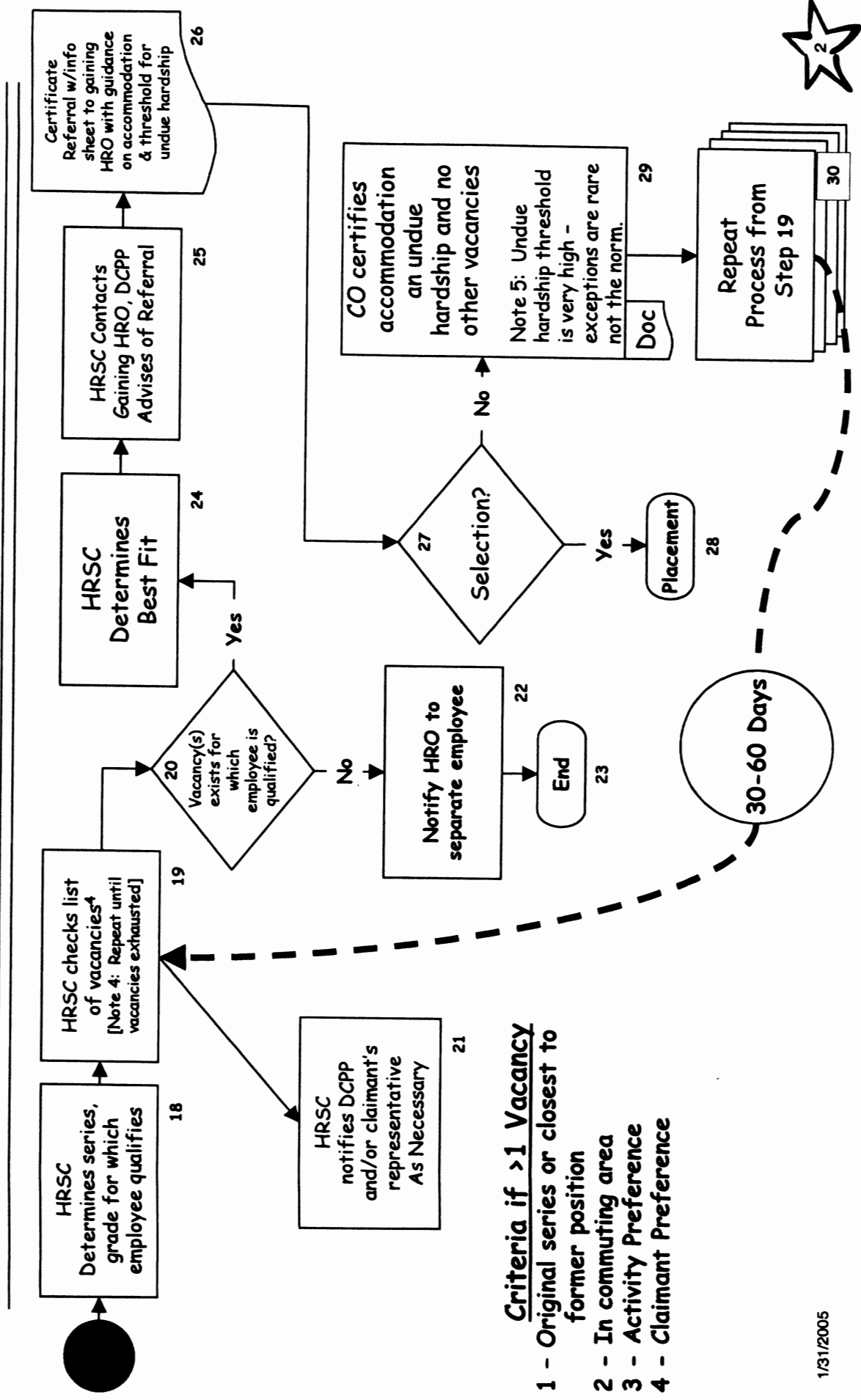
Reasonable Accommodation



1/31/2005



Reasonable Accommodation



Reasonable Accommodation Flow Chart Companion Document

This document has been prepared as a companion to the flow chart that outlines the process to be followed for providing accommodations, including reassignment, within the Department of the Navy (DON). The numbered paragraphs here provide additional information, direction and/or guidance for the corresponding numbered boxes on the flow chart. Documentation required for the case file is mentioned in the narrative and then listed by bullet below each paragraph, as appropriate. This document presumes that a disability accommodations point of contact/panel has been appointed and is identified in local procedures.

Block #1

Block #1 is simply the point from which an employee moves into the process.

Block #2

When an employee has identified a problem at work related to a physical or mental impairment and requests accommodation, a manager/supervisor must seek technical advice and guidance from the Human Resources Office (EEO, Disability Program Manager, Employee Relations), legal counsel, and possibly the medical officer, as appropriate to the request, prior to making a decision. An appendix to this document – “Department of the Navy Guide to Assessing Disability Claims” – will facilitate this decision. All aspects of this analysis and the final decision should be documented and maintained in a case file, along with a dated copy of the request.

Interactive discussion is a critically important component of this process. Decision makers should consider the use of Alternative Dispute Resolution techniques at this or any stage in the process to resolve conflicts and issues in controversy at the lowest possible level.

Documentation:

- The request should be reduced to writing, if not done so initially, and dated. The creation of this document opens the case file.

Block #3

Critical information needed for making the decision to accommodate an individual with a disability will come from the individual who is making the request. An interactive discussion will provide an opportunity to obtain necessary information and may also result in a request for medical documentation, as appropriate. The request for medical documentation should be in writing, a dated copy maintained for the file. The written request should include a copy of a waiver for the employee to sign giving permission for any official, with a need to know, to review the medical records.

Enclosure (3)

Documentation:

- A copy of any written request for medical documentation.

Block #4

With all the input gathered from the employee, medical documentation, etc., guidance from technical experts and all appropriate resources (i.e., the guide on how to analyze the information), the management team (manager, representatives from the Human Resources Office (HRO), legal office, possibly medical office) conducts an analysis as to whether the employee is disabled as defined in the governing regulations. This analysis, conducted as outlined in the attached guide, should be documented. Every effort should be taken to avoid unnecessary delays in providing accommodation to qualified individuals.

Documentation:

- Copies of any/all information provided by the employee, technical experts, other resources
- Written summary of the disability analysis of the case (following the outline in the guide) and the resultant decision

Blocks #5 - #8

If the individual is determined to **not** be an individual with a disability and no accommodation is therefore required, the employee is notified in writing and the decision is documented for the case file (block #7). The letter to the employee must include specific reasons for the denial, for example, *why* the accommodation would not be effective or *why* it would result in undue hardship. The employee may qualify for disability retirement and this option should be explored at this time.

There may be times when, while the determination has been made that no accommodation is required, the agency may still provide some form of assistance to the employee because of a desire to be a good employer, not out of legal necessity. Caution should be taken in these circumstances to maintain consistency with similar requests to avoid disparate treatment claims and precedent-setting situations. The employee should be notified of the decision to provide assistance in writing, in language that clearly states what is being provided and why it is being provided.

If there are no other options (block #6), the employee could possibly be removed for inability to perform his/her present position (block #8).

A written summary of the case addressing all pertinent information, documentation on file, and subsequent analysis/decision to deny the request will be forwarded to the major claimant's Command Deputy Equal Employment Opportunity Officer (CDEEOO) for review and tracking purposes. The case file itself is retained in the activity EEO Office.

Because of the sensitivity of the medical and other documentation in the file, care must be taken to keep the files secure with access granted on a strictly limited basis.

Documentation:

- Copy of employee notice of the decision to deny the request for accommodation
- Copy of any correspondence outlining assistance that may be provided
- Written summary of the case for major claimant CDEEOO

Block #9

If it is determined that providing an accommodation is the appropriate course of action, the supervisor with appropriate HRO guidance will examine all the reasonable alternatives for the person to remain in the same position, e.g., assistive software/devices, modified furniture, location of desk, job restructuring, telework, etc., including the one requested by the employee. There is no requirement to provide the exact accommodation requested as long as the accommodation selected is reasonable and effective to enable the employee to successfully perform the essential functions of the job.

Documentation:

- The list of all reasonable alternatives for accommodating the employee in his/her current position should be compiled and documented with any discussion/rationale, if appropriate

Blocks #10 - #11

If the employee can be accommodated in his/her current position, that decision and method chosen is documented in the case file and implemented (block #11). The process described above should be completed within 30 calendar days from date of the request. The time will be tolled to reflect delays in obtaining medical documentation. The completed case file is maintained in the activity's Equal Employment Opportunity Office. Because of the sensitivity of the medical and other documentation in the file, care must be taken to keep the files secure with access granted on a strictly limited basis.

Documentation:

- Written notification to employee of the accommodation being provided and the date or outline of implementation schedule if appropriate

Block #12

If it is determined as a result of the analysis of the available options that the employee **cannot** be accommodated in his/her current position, the employee is notified of the decision and the interactive process continues. The employee should be counseled that if the agency is unable to accommodate the employee in his/her present position, the only remaining options are reassignment or removal for inability to perform the present job. Note, the employee may qualify for disability retirement and this option should be explored at this time. The Agency should ask the employee if he/she is willing to accept

a reassignment if a vacancy exists for which they're qualified within the activity. If no vacancies are identified within the activity, a wider search will be conducted in the following order: (1) activities in the major claimant within the commuting area; (2) activities in all major claimants within the commuting area; (3) activities in the major claimant Navy-wide; (4) activities in all major claimants Navy-wide. The employee must be advised that any reassignment outside the present commuting area will be at the employee's expense. The employee should be asked whether he/she is willing to relocate outside the present commuting area at his/her own expense should no internal vacancies be found. Once the issue of relocation has been resolved, the interactive process should then be used to review the employee's position preferences and his/her qualifications. The employee should be given the opportunity to submit an updated resume, which may then be used to determine his/her present qualifications. If no update is received within the time mutually agreed during this discussion, qualifications will be determined based on current series and grade. The discussion should also address the possibility that the identified vacant positions closest to the employee's current position could involve a voluntary change to lower grade with save pay. This dialogue with the employee will be used to determine the scope of the search for vacancies. The results of the dialogue should be summarized in writing and signed/acknowledged by the employee.

Documentation:

- Written notice to the employee that he/she cannot be accommodated in current position
- Results of the interactive dialogue should be committed to writing and should be signed/acknowledged by the employee documenting that the employee:
 - Has been informed that the remaining options are reassignment or removal for inability to perform his/her present job
 - Is/is not willing to accept a reassignment
 - Has identified the scope of the search for vacant positions
 - Understands that relocation will be at his/her own expense
 - Has been given the opportunity to provide an updated resume
 - If so, such resume will be provided by a given date or existing documentation will be used for the search
 - Has provided his/her position preferences, if any
 - Has been informed that the identified position could involve a voluntary change to lower grade

Block #13

With the parameters outlined by the employee as documented above, the manager and the HRO should identify current vacant positions and those that will become vacant in the reasonably foreseeable future (60 calendar days) to which the employee could be reassigned. The position closest to the employee's current position should be chosen from the available (or soon to be available) vacancies. Note the definition of the term "qualified" in the DON Guide for Assessing Disability Claims as it has a specific meaning in this situation.

Documentation:

- List of the current vacant positions and those that will become vacant in the next 60 calendar days from the date the list is compiled.

Block #14

If a match is found, the employee is reassigned without competition to the new position. The process described above should be completed within 30 calendar days from the date of the decision that the employee could not be accommodated in his/her current position. The completed case file is maintained in the activity's Equal Employment Opportunity (EEO) Office. Because of the sensitivity of the medical and other documentation in the file, care must be taken to keep the files secure with access granted on a strictly limited basis.

Documentation:

- The positive result of this internal review should be documented

Block #15 - #16 - #17

If no positions were identified in the review of internal vacancies, the manager and HRO document the process used that resulted in no identified vacancies. The Commanding Officer (CO) of the activity signs a certification that no current vacant positions (or anticipated vacancies) exist in the activity and this is placed in the case file along with the documentation of the vacancy search (block #15). The search will now move beyond the present activity in accordance with the documented parameters outlined by the employee (block #16).

The case file is forwarded to the major claimant's Director, Civilian Personnel Programs (DCPP). The case file will be reviewed by the DCPP and the command's legal counsel to validate both that the assessment of the claim and the activity search process were thorough and complete.

The activity's HRO will request the servicing Human Resource Service Center (HRSC) to assist in determining a reassignment for the employee outside the activity forwarding the appropriate documentation (block #17). **Note:** If at any time during the remaining process a position becomes available at the activity, the activity will place the employee and notify the HRSC to discontinue its search.

Documentation:

- Documentation that no current or reasonably foreseeable vacancies exist in the activity
- CO's certification – template language will be provided
- Written request to the HRSC for assistance in determining a reassignment with appropriate documentation

Block #18

The responsibility to search for a vacant position now moves to the HRSC in the region. Using the documentation forwarded by the activity that includes the updated resume and search scope parameters (i.e., location, nature of disability, limitations, etc.), the HRSC determines the series and grade for which the employee is qualified.

Block #19

The HRSC checks the list of Requests for Personnel Action for vacancies that match the qualifications/skills of the employee that have been identified. In so doing the HRSC can confirm the HRO's search and/or identify vacancies that may have been overlooked and refer the package back to the HRO for action.

Documentation:

- The HRSC will document the list of identified vacancies.

Blocks #20 - #23

If it is determined that there are **no vacancies** for which the employee is qualified within the search area identified, the HRSC will document the search process and the result and notify the HRO and the major claimant DCP. The employee, who is still unable to perform the essential functions of his/her current position and for whom no appropriate vacancies could be found within the search scope he/she identified, may be separated or processed for disability retirement by the HRO. The case file is updated to include the documentation from the HRSC and the HRO. A written summary of the case addressing all the steps taken through to the final action taken regarding the employee is forwarded to the major claimant CDEEO for review and tracking purposes. Because of the sensitivity of the medical and other documentation in the file, care must be taken to keep the files secure with access granted on a strictly limited basis.

Documentation:

- HRSC documents the search process
- Copies of notification of HRO and DCP added to the file
- Written summary of the case with the resultant decision regarding the employee is prepared and forwarded to the CDEEO

Block #24 - #25

If a vacant position for which the employee qualifies is identified, the HRSC contacts the gaining HRO and DCP advising of the pending referral for reassignment as a reasonable accommodation.

If several appropriate vacant positions are identified, a decision must be made as to the best fit for the employee. If the vacancies are within a single major claimant, the

claimant CO (with advice from the DCPD and input from the HRSC) will make the determination. If the vacancies cross claimant lines, the HRSC will make the best-fit determination following the established search order: 1) activities in the major claimant within the commuting area; (2) activities in all major claimants within the commuting area; (3) activities in the major claimant Navy-wide; (4) activities in all major claimants Navy-wide.

Documentation:

- The HRSC will document identified positions in order of best fit for the employee receiving input from the major claimant if appropriate as outlined above

Block #26

The HRSC sends a selection certificate to the gaining HRO along with an information sheet with guidance on the accommodation to identify the employee's limitations and the threshold for claims of undue hardship.

Documentation:

- The information sheet should outline the accommodation that will be required to enable the employee to successfully perform the essential functions of the position. Medical documentation is releasable on a strictly limited basis and it is not appropriate for release here. The information sheet should focus on the accommodation, not the disability, and provide enough information for the gaining manager/supervisor to understand his/her responsibilities for accommodation. If the employee is placed in the position, the complete case file will of course move to the new activity. The sheet should also outline the threshold for the determination of undue hardship (a template with this information will be provided to all HRO's and HRSC's).

Block #27 - #28

If there is no undue hardship, the employee is then placed in the identified position. The employee is notified in writing. The HRSC and the gaining HRO prepare the hiring documentation. A copy of all documentation is placed in the case file. The completed case file is forwarded to and maintained in the gaining activity's EEO Office. Because of the sensitivity of the medical and other documentation in the file, care must be taken to keep the files secure with access granted on a strictly limited basis.

Documentation:

- Copy of the letter notifying the employee of the placement
- Copies of all official paperwork documenting the reassignment

Block #29

If the identified activity determines that they will not be able to accommodate the individual in the identified position and that there are no other vacancies within the

activity, a document is prepared and signed by the gaining CO certifying this. It is important to note that the threshold for undue hardship is very high. Exceptions to this threshold are very rare. The gaining DCPD and major claimant legal counsel will review the analysis that led to this determination.

Documentation:

- Documentation of the analysis that led to the determination that the employee could not be accommodated in the identified position and that no other positions are available. This is signed by the gaining CO and reviewed by the gaining DCPD and major claimant legal counsel.

Block #30

The HRSC will document that the employee was not placed in the identified position and attach the certification from the activity. The process outlined above will be repeated, beginning in block #19, until the employee is either placed or, when the determined list of vacancies is depleted, the employee is separated. This search should be completed, with the cooperation of all involved parties, within 30 – 60 calendar days to avoid unnecessary delay in providing reasonable accommodation.

If the employee is separated because he/she is unable to perform his/her present position and no vacant position within the qualifications and search scope identified could be found, the HRSC will document its efforts for the file. The case file on the request containing all information, documentation, and subsequent analyses/decisions will be maintained in the employee's activity EEO Office. A summary of the events, analysis and decisions will be forwarded to the CDEEO for review. Because of the sensitivity of the medical and other documentation in the file, care must be taken to keep the files secure with access granted on a strictly limited basis.

Documentation:

- The HRSC documents the search process for the case file